

AMENDED

NO. 68407

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 22 2002

Returned to applicant for correction FEB 15 2002

Corrected application filed MAR 18 2002

Map filed MAR 18 2002

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The applicant **Battle Mountain Gold Company**, by **Paul M. Pettit**, Agent hereby makes application for permission to change the **point of diversion, manner of use & place of use of a portion** of water heretofore appropriated under **permit 11876 (certificate 3503)**

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1. The source of water is **Underground; Well M-2**
2. The amount of water to be changed **1.66 cfs**
3. The water to be used for **Mining & Milling**
4. The water heretofore permitted for **Placer Mining & Domestic**
5. The water is to be diverted at the following point **Within the SW quarter (lot 3), of the SE quarter of section 9, T30N, R43E, M.D.M. at a point from which the SE corner of said section 9 bears S 73° 31' 30" E a distance of 1,887.31 feet.**
6. The existing permitted point of diversion is located **within the SW quarter of the SE quarter of Section 8 of T30N, R43E, M.D.M., at a point from which the South quarter corner of Section 33, T31N, R43E, M.D.M. bears N 31° 00' 40" E a distance of 10,912.90 feet.**
7. Proposed place of use **Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33, 34 T31N, R43E, M.D.M. and Sections 2, 3, 4, 8, 9, 10, 16, 21, T30N, R43E, M.D.M.**
8. Existing place of use **Sections 3, 4, T30N, R43E, M.D.M. and Sections 28, 32, 33, 34, T31N, R43E, M.D.M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Existing well with totalizing flowmeter, pump and motor**
12. Estimated cost of works **N/A (existing well)**
13. Estimated time required to construct works **N/A (existing well)**
14. Estimated time required to complete the application of water to beneficial use **2 years**

15. Remarks Augments existing water rights for this well to allow continued use of groundwater from clean-up production for mining and milling.

By s/ Paul M. Pettit  
P.O. Box 669  
Carlin, Nevada 89822

Compared gkl/ lb/cmf

Protested \_\_\_\_\_

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#### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 11876, Certificate 3503 is issued subject to the terms and conditions imposed in said Permit 11876, Certificate 3503 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water for consumptive purposes under Permits 11876, Certificate 3503; 36870, Certificate 12923; 36871, Certificate 13747; 36872, Certificate 13748; 49459, Certificate 14023; 49460, Certificate 14024; 49461, Certificate 14025; 52036, Certificate 14018; 54214, Certificate 13754; 65411, 65412, 65415 through 65427, inclusive, 65428-E, 65429-E, 68407 and 68408 shall not exceed 12905 acre-feet annually for mining and milling purposes.

A monthly report must be submitted to the State Engineer within 10 days from the end of each month which shall include measurement of the following: (a) the volume of water pumped from each well, (b) the volume of water consumptively used for mining and milling uses projectwide, (c) the volume of water diverted to the reservoir, (d) the evaporative losses and seepage losses from the reservoir, (e) the volume of water discharged to any surface drainage and which drainage, and (f) the volume of water used for any other purpose allowed under the permits. Reporting frequency may later be changed if authorized by the State Engineer.

The State Engineer retains the right to require at any time the permittee cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted. The State Engineer retains the right to regulate pumping herein authorized to protect the public interest and existing rights.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.66 cubic feet per second, but not to exceed 391.6 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

November 12, 2003

Proof of completion of work shall be filed before:

December 12, 2003

Water must be placed to beneficial use on or before:

November 12, 2005

Proof of the application of water to beneficial use shall be filed on or before:

December 12, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,

this 20th day of November, A.D. 2002

  
State Engineer

Completion of work filed JAN 05 2004

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_